

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #8	CCRB Case #: 201805196	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/25/2018 2:00 PM	Location of Incident: 130 Livingston (New York Transit Authority)	Precinct: 84	18 Mo. SOL 12/25/2019	EO SOL 12/25/2019	
Date/Time CV Reported Thu, 06/28/2018 10:46 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 06/28/2018 2:39 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Fatimah Wooden	21493	935983	084 PCT
2. POF Trennet Epps	30975	932616	084 PCT
3. LT Hariton Marachilian	00000	935245	SRG 1

Officer(s)	Allegation	Investigator Recommendation
A.POF Trennet Epps	Abuse: Police Officer Trennet Epps threatened to arrest § 87(2)(b)	
B.POF Trennet Epps	Abuse: Police Officer Trennet Epps threatened to arrest § 87(2)(b)	
C.POF Trennet Epps	Abuse: Police Officer Trennet Epps threatened § 87(2)(b) with the use of force.	
D.POF Fatimah Wooden	Abuse: Police Officer Fatimah Wooden threatened § 87(2)(b) with the use of force.	
E.LT Hariton Marachilian	Abuse: Lieutenant Hariton Marachilian forcibly removed § 87(2)(b) to the hospital	

Case Summary

On June 28, 2018, § 87(2)(b) filed the following complaint in-person at the Civilian Complaint Review Board.

On June 25, 2018, at approximately 2:00 p.m. § 87(2)(b) and her son, § 87(2)(b) went to the MTA headquarters building located at 130 Livingston Street in Brooklyn. § 87(2)(b) went upstairs while § 87(2)(b) remained downstairs. § 87(2)(b) was brought downstairs by security. Police Officer Trennet Epps and Fatima Wooden of the 84th Precinct responded. § 87(2)(b) became very upset, hysterical and screamed repeatedly. PO Epps said, “You can walk out here nice, or you can walk out in cuffs,” (**Allegation A-Abuse of Authority, § 87(2)(g)**). Police Officer Epps said, “Ya’ll both want to go down?” Because I’m getting really irritated with the both of ya’ll” (**within Allegation A and Allegation B, § 87(2)(g)**). Police Officer Wooden and Police Officer Epps told § 87(2)(b) and § 87(2)(b) that if they did not leave, they would help them leave (**Allegations C and D-Abuse of Authority, § 87(2)(g)**). The officers handcuffed § 87(2)(b) and escorted her out of the building. § 87(2)(b) was placed in a police vehicle where she awaited the arrival of an ambulance. While she was waiting Lieutenant Hariton Marachilian of the 84th Precinct responded. § 87(2)(b) was ultimately taken to § 87(2)(b) (**Allegation E-Abuse of Authority, § 87(2)(g)**).

The investigation obtained body-worn camera footage from Police Officer Scala, Police Officer Knjazihhin, Police Officer Paul, Police Officer Wooden and Police Officer Epps (Board Review 16, 17, 18, 5, and 6 respectively).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Trennet Epps threatened to arrest § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Trennet Epps threatened to arrest § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Trennet Epps threatened with the use of force.

Allegation (D) Abuse of Authority: Police Officer Fatimah Wooden threatened § 87(2)(b) with the use of force.

As per § 87(2)(b) on June 25, 2018, at approximately 2:00 p.m. § 87(2)(b) and her son, § 87(2)(b) went to New York City Transit Authority office building located at 130 Livingston Street (Board Review 01). § 87(2)(b) went upstairs while § 87(2)(b) remained downstairs. § 87(2)(b) was brought downstairs by security. Police Officer Epps and Police Officer Wooden responded. § 87(2)(b) became very upset, hysterical and screamed. Inside the building, § 87(2)(b) stated that she was not saying anything specific but just yelling and screaming. The officers handcuffed § 87(2)(b). When they began to handcuff § 87(2)(b) there were approximately six individuals who stopped and began observing the scene approximately three to five feet away. These individuals stopped briefly but did not form a crowd. § 87(2)(b) was escorted out of the building. § 87(2)(b) was placed in a police vehicle where she awaited the arrival of an ambulance. Upon the ambulance arriving, she was transported to § 87(2)(b).

As per § 87(2)(b)'s telephone statement, § 87(2)(b) and § 87(2)(b) went to 130 Livingston Street in Brooklyn, where § 87(2)(b) went to the eighth floor. While on the eighth floor he spoke to § 87(2)(b) who pushed him. § 87(2)(b) subsequently called the police. When he returned downstairs, Police Officer Epps and Police Officer Wooden were on scene. The officers told § 87(2)(b) that she had to leave. § 87(2)(b) was upset and was screaming. Police Officer Epps and Police Officer Wooden handcuffed § 87(2)(b) along with someone from "transit." The officers took § 87(2)(b) to a police vehicle. He started yelling at the officers to not hurt his mother. § 87(2)(b) was later moved to an ambulance.

§ 87(2)(b)'s sworn statement is largely consistent with his telephone statement, with the following exceptions (Board Review 02). While on the eighth floor, § 87(2)(b) was taken downstairs by security. "Everyone" in the office was calling security and § 87(2)(b) called 911. § 87(2)(b), § 87(2)(b) told § 87(2)(b) to get out of the building. After the officers responded, Police Officer Wooden asked § 87(2)(b) to leave the building. § 87(2)(b) did not begin to leave at that time. Police Officer Epps and Police Officer Wooden handcuffed § 87(2)(b) with the assistance of two additional plainclothes officers. When officers tried to handcuff § 87(2)(b) she moved her arms back and forth and twisted, as well as tried to move around to avoid the officers putting her hands behind her back. While she was being walked to the car, § 87(2)(b) pushed back. § 87(2)(b) screamed for someone to help her. § 87(2)(b) was also yelling both inside and outside the building for the officers to be careful. § 87(2)(b) was placed in an ambulance.

As per Police Officer Epps, she and Police Officer Wooden responded to 130 Livingston Street for a crime in progress regarding someone who refused to leave (Board Review 03). When they arrived, § 87(2)(b) and § 87(2)(b) were at the location. They spoke to a transit officer and the security (of the building). § 87(2)(b)

§ 87(2)(b) Upon finding out that § 87(2)(b) had entered the building, security asked him and § 87(2)(b) to leave but they refused to do so. Police Officer Epps told § 87(2)(b) and § 87(2)(b) that they had to leave. She informed them that they could be arrested for trespassing and stated that was what she was referring to when she said, "Do you both want to go down?" Police Officer Epps also stated that when she said, "You can walk out of here nice or you can walk out in cuffs," she meant that they could walk out in handcuffs and be arrested for trespassing or that they could walk out willingly. Police Officer Epps told § 87(2)(b) to leave two of three times before he was escorted out of the building. § 87(2)(b) refused to leave and sat on her walker. § 87(2)(b) walked back into the building and started screaming. Police Officer Epps and Police Officer Wooden asked § 87(2)(b) if he could get his mother to leave and told him that they had to leave. § 87(2)(b) refused to escort § 87(2)(b) outside. When Police Officer Epps went to escort § 87(2)(b) towards the door, § 87(2)(b) started kicking and pushing her arms out towards Police Officer Epps and Police Officer Wooden. Police Officer Epps restrained § 87(2)(b) because she was resisting and being violent towards them. An unidentified plainclothes transit officer helped restrain § 87(2)(b) and escort her out of the building. § 87(2)(b) continued to kick the officers as she was walked to the marked police vehicle. She was placed in the police vehicle to await an ambulance.

Police Officer Wooden's statement is consistent with that of Police Officer Epps with the following exceptions (Board Review 04). § 87(2)(b) was asked to leave three times and she

told the officers that she was not leaving. § 87(2)(b) cursed and threatened the officers and mentioned shooting someone. When asked if she ever heard an officer threaten § 87(2)(b) or § 87(2)(b) with the use of force, Police Officer Wooden stated that she and Police Officer Epps did so when they told them that they needed to leave and if they did not, that they would help them leave. Police Officer Wooden stated that when she told § 87(2)(b) “Sir get your mother because we can force her out,” she was referring to the fact that they could help and force them to leave the building.



201805196_20181009_1223_DM.mp4

Police Officer Wooden’s body-worn camera footage captures § 87(2)(b) pull away from, and Police Officer Epps’ grasp by slapping at her arm at 35 seconds (Board Review 05). At 1:30 minutes Police Officer Wooden says to § 87(2)(b) “Sir, get your mother because we can force her out.” Police Officer Epps then says, “Ya’ll both want to go down?” At 1:32 minutes into the recording, Police Officer Epps says to Police Officer Wooden, “They’re about to go for trespassing Timah.” Police Officer Wooden’s body-worn camera captures Police Officer Epps and Police Officer Epps telling § 87(2)(b) to leave multiple times and asking § 87(2)(b) to “get” his mother because they handcuff her. At 1:48 minutes, Police Officer Wooden says, “You have to leave, we will force you out of here.” At 2:05 minutes, § 87(2)(b) twists and turns with her elbows and arms moving in front of her as she twists while the officers try to restrain her.

Police Officer Epps body-worn camera footage captures Police Officer Epps say at 29 seconds, “You can walk out of here nice, or you can walk out in cuffs” (Board Review 06).

The documents review report from the § 87(2)(b) noted under the chief complaint that § 87(2)(b) was disrupting the place where her son worked as per EMS. § 87(2)(b) left the hospital prior to being evaluated by a medical doctor (Board Review 07).

EVENT #§ 87(2)(b) saved in IA #75, noted that a female called 911 and stated that § 87(2)(b) refused to leave the location (Board Review 08).

NYS Penal 240.20 states that a person is guilty of disorderly conduct when they cause public inconvenience, annoyance and alarm by making an unreasonable amount of noise (Board Review 09).

NYS Penal Law 140.05 states that someone is guilty of trespass when they knowingly remain unlawfully in a premise. A person remains unlawfully when they defy a lawful order to remain communicated to them by an authorized person (Board Review 10).

Police Officer Epps and Police Officer Wooden stated that they were told by security that they had asked § 87(2)(b) to leave and she had refused. § 87(2)(b) admittedly screamed in the building. The footage also captures Police Officer Epps and Police Officer Wooden tell § 87(2)(b) and § 87(2)(b) that they must leave, and neither § 87(2)(b) nor § 87(2)(b) complying.

It is undisputed that § 87(2)(b) was asked to leave the building multiple times. It is also undisputed that Police Officer Epps said to § 87(2)(b) and § 87(2)(b) “You can walk out of her nice, or you can walk out in cuffs,” and “Ya’ll both want to go down?” § 87(2)(g)

It is undisputed that § 87(2)(b) had been asked to leave the building by § 87(2)(b) and security. It is also undisputed that upon officers responding, they asked him to leave and he refused. And it is undisputed that Police Officer Epps told § 87(2)(b) and § 87(2)(b) “You can walk out of her nice, or you can walk out in cuffs,” and “Ya’ll both want to go down?”

§ 87(2)(g)

Patrol Guide Section 221 states that an officer may use force when it is reasonable to place a person in custody (Board Review 12).

§ 87(2)(g)

Allegation (E) Abuse of Authority: Lieutenant Hariton Marachilian forcibly removed § 87(2)(b) to the Hospital.

As per Police Officer Epps, Lieutenant Marachilian responded after the ambulance and while § 87(2)(b) was sitting in the police vehicle. Lieutenant Marachilian deemed § 87(2)(b) an emotionally disturbed person. PO Epps believed § 87(2)(b) was emotionally disturbed because she was disorderly, irate, and was not compliant. § 87(2)(b) also stated that she hoped someone shot them in their heads and that all their kids would die.

Police Officer Wooden called Lieutenant Marachilian after she called an ambulance and she and Police Epps subsequently spoke to him. She did not believe Lieutenant Marachilian deemed § 87(2)(b) an emotionally disturbed person, however she stated § 87(2)(b) was sent to the hospital because she did not seem emotionally stable because she was yelling, kicking and making threats.

As per Lieutenant Marachilian, he responded to 130 Livingston Street to a call for an additional unit (Board Review 11). When he arrived Police Officer Epps and Police Officer Wooden were

on scene with an “irate” § 87(2)(b) who was sitting in a marked police vehicle with the door open and screaming. Lieutenant Marachilian interviewed Police Officer Epps and Police Officer Wooden. They informed him that § 87(2)(b) became irate and verbally threatened Police Officer Epps and Police Officer Wooden, so she was handcuffed. Lieutenant Marachilian believed § 87(2)(b) was emotionally disturbed based on his observations of her violent behavior and because she was not speaking clearly. He believed she was a danger to himself and other officers because she was threatening them. The only statement of hers Lieutenant Marachilian understood was § 87(2)(b) stating that she hoped they “had a bullet in their heads,” and that she wished their moms were chopped up into pieces. An ambulance responded and Lieutenant Marachilian spoke to the EMTs and informed them of the situation. He did not know who called the ambulance.

Police Officer Wooden’s body-worn camera captures § 87(2)(b) saying to her at 5:15 minutes, “I wish someone put a gun in your head, and put a good one in your heart” (Board Review 05). At 13:00 minutes, § 87(2)(b) says to Lt. Marachilian that she wishes a bullet was in his head. Her body-worn camera footage also depicts § 87(2)(b) say to Lieutenant Marachilian that she hopes that all of their mothers will “be in” pieces at 13:24 minutes.

Patrol Guide Section 221-13 defines an emotionally disturbed individual as a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner that an officer reasonably believes is likely to result in serious injury to himself or others (Board Review 13). Section 221-13 also states that after an emotionally disturbed person has been restrained to remove them to the hospital in an ambulance. The section also states that officers are to report to and confer with ranking patrol supervisor on scene and if one is not present to request their response.

Police Officer Wooden called Lieutenant Marachilian and he responded to the scene. Lieutenant Marachilian believed § 87(2)(b) was emotionally disturbed because of her physical resistance, her screaming, and the verbal threats she made. For these reasons he believed she was a threat to himself and other officers. At the time Lieutenant Marachilian arrived, § 87(2)(b) was restrained. After his arrival, she was moved to the ambulance from the marked police vehicle and taken to the hospital.

It is undisputed that § 87(2)(b) was yelling both inside and outside of the building, that she physically resisted officers by pulling away from them and slapping at their arms, that she described her own behavior as hysterical, and that she wished harm upon the officers. However, § 87(2)(b) is a 4’10” tall, 150-pound § 87(2)(b) old handicapped woman, while Police Officer Wooden is a 6’1” tall, 250-pound § 87(2)(b) old woman and Police Officer Epps is a 5’3” tall, 180-pound § 87(2)(b) old female. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- This is the first CCRB complaint to which § 87(2)(b) [REDACTED] has been a party.
- Police Officer Epps has been a member of service for 15 years and has been a subject in one prior CCRB complaint and two allegations, neither of which were substantiated.
- Police Officer Wooden has been member of service 14 years and has been a subject of one prior complaint, and one allegation, which was not substantiated.
- Lieutenant Marachilian has been a member of service for 14 years had and has been a subject in five prior complaints and 16 allegations, one of which was substantiated.
 - Case number 201801421 involved substantiated allegations of abuse of authority for searching a person.
 - § 87(2)(g) [REDACTED]
[REDACTED]

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date